

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

May 9, 2013

- I. **CALL TO ORDER** - The meeting was called to order at 1:31 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Mike Owens, Chair; Eunice Beatty, Will Berkley, Patrick Brewer (arrived at 1:33 PM), Mike Cravens, Karen Mundy, Frank Penn, Carolyn Plumlee and William Wilson (arrived at 1:33 PM). Carla Blanton and Lynn Roche-Phillips were absent.

Planning Staff Present – Bill Sallee; Jim Duncan; Tom Martin; Barbara Rackers; Chris Taylor; Cheryl Gallt; Dave Jarman; Denice Bullock, Rob Johnson, Janice Westland and Pam Whitaker. Other staff members in attendance were: Hillard Newman, Division of Engineering; Jeff Neal, Division of Traffic Engineering; Captain Charles Bowen and Lieutenant Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The Chair noted that there were no minutes to be considered at this time.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal were considered at this time.

- a. DP 2013-36: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEVELOPMENT CO) (AMD) (7/30/13)* - located at 2356 Newtown Pike. (Council District 12) **(Vision Engineering)**

The Subdivision Committee Recommended: **Postponement.** There were questions regarding the proposed and future access and the ability to provide sanitary sewer service to the site.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection.
9. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
10. Correct note #5.
11. Revise, delete, correct notes #9-#13 to the approval of the Urban Forester.
12. Denote building heights in feet.
13. Dimension medical clinic building.
14. Delete note #15.
15. Addition of Newtown Pike cross-section.
16. Denote conditional zoning restrictions.
17. Denote compliance with Art. 23A-2(f) of the Zoning Ordinance (for 50' landscape buffer).
18. Clarify building square footage and parking floor area proposed.
19. Revise plan to reflect future access per the approved plans.
20. Document ability to drain storm water to off-site detention basin.
21. Discuss compliance with note #12 on preliminary plan.
22. Discuss the temporary pump station and the ability to sewer the property.
23. Discuss development standards to be included on the development plan per note #10 on the preliminary development plan.
24. Discuss access to property to the south.
25. Discuss whether access to Newtown Pike will be temporary or permanent.
26. Discuss lack of parking near proposed pharmacy, and whether the pharmacy is an allowable use in a detached building.
27. Discuss location of "pedestrian accessway" required by Art. 23A-10(j)(4).

Representation – Richard Murphy, attorney, was present representing the applicant, and requested postponement of DP 2013-36: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEVELOPMENT CO) (AMD) to the May 23, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

* - Denotes date by which Commission must either approve or disapprove request.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 7-0 (Brewer, Blanton, Roche-Phillips and Wilson absent) to postpone DP 2013-36: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEVELOPMENT CO) (AMD) to the May 23, 2013, Planning Commission meeting.

Note: Mr. Brewer and Mr. Wilson arrived at this time.

- b. ZDP 2012-76: DEERFIELD SHOPPING CENTER (5/9/13)* - located at 1949 Nicholasville Road.
(Vision Engineering)

Note: The Planning Commission postponed this plan at their September 27, 2012; January 17, 2013; February 14, 2013; March 14, 2013 and April 11, 2013, meetings. The Urban County Council approved the zone change request at their November 27, 2012, meeting.

The Subdivision Committee Recommended: Postponement. There are issues with the screening and buffering proposed adjacent to a residential subdivision.

Should this plan be approved, the following conditions should be considered:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Denote current floodplain information on plan.
8. Denote record plan name.
9. Clarify site statistics (floor area).
10. Verify required parking for restaurant (square footage/seating ratios).
11. Addition of Nicholasville Road street cross-section and Collins Lane access easement cross-section.
12. Denote proposed and existing storm sewer locations to the approval of the Division of Water Quality.
13. Resolve utility line and proposed building conflicts.
14. Denote proposed storm water detention location to the approval of the Division of Water Quality.
15. Discuss tree protection, landscaping and buffering perpendicular to Nicholasville Road.
16. Discuss building height adjacent to residential uses.
17. Discuss disposition of existing improvements in Nicholasville Road right-of-way.
18. Discuss timing of revisions to the current FEMA floodplain.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant requesting postponement of ZDP 2012-76: DEERFIELD SHOPPING CENTER to the June 13, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 9-0 (Blanton and Roche-Phillips absent) to postpone ZDP 2012-76: DEERFIELD SHOPPING CENTER to the June 13, 2013, Planning Commission meeting.

- c. PLAN 2013-38F: TUSCANY, TRACT A (6/30/13)* - located at 1978 Winchester Road.
(Council District 6) (HDR)

The Subdivision Committee Recommended: Postponement. There are concerns with the need for a preliminary subdivision plan for street construction and the proposed lotting for the adjacent vacant property.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Denote existing zoning and street frontage in site statistics.
10. Add dashed lines to indicate all adjoining property information.
11. Correct notes #1, #3 & #5.

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12. Delete notes #8 & #9.
13. Add monument information required by Art. 6 of the Land Subdivision Regulations.
14. Denote name and address of property owner and developer.
15. Denote easements per recorded plat (N-270).
16. Denote existing conditional zoning restrictions and setback along Winchester Road.
17. Discuss need for a pedestrian system along Winchester Road.
18. Discuss timing of street construction.
19. Discuss the need for preliminary subdivision plan.
20. Discuss proposed lotting adjacent to Meeting Street and the existing subdivision.

Representation – Gwyn Stiffler-Wheeler, Continental Properties, was present representing the applicant, and requested postponement of PLAN 2013-38F: TUSCANY, TRACT A to the May 23, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Penn, seconded by Ms. Beatty and carried 9-0 (Blanton and Roche-Phillips absent) to postpone PLAN 2013-38F: TUSCANY, TRACT A to the May 23, 2013, Planning Commission meeting.

- d. DP 2013-40: TUSCANY, TRACT A (6/30/13)* - located at 1970 Winchester Road.
(Council District 6) **(HDR)**

The Subdivision Committee Recommended: Postponement. There are concerns about the need for a preliminary subdivision plan, the lack of storm water detention and the proposed lotting for the adjacent property.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Add street cross-sections.
10. Addition of final record plan information.
11. Add metes and bounds information to property boundary, including Meeting Street right-of-way.
12. Correct plan title.
13. Add tree preservation plan information.
14. Remove "paving" from setback label information.
15. Add a reference to Art. 6-10 of the Land Subdivision Regulations to the landscape note.
16. Clarify lot coverage and floor area ratio in site statistics.
17. Dimension sidewalks.
18. Add public sidewalks to Meeting Street right-of-way.
19. Addition of written scale information.
20. Denote 50' conditional zoning setback along Winchester Road and remove any building conflicts.
21. Denote easements per recorded plat (N-270).
22. Denote specific uses in designated car maintenance area.
23. Provide left turn lane on Patchen Wilkes Drive.
24. Discuss stormwater detention locations proposed.
25. Discuss need for sidewalk & pedestrian system along Winchester Road.
26. Discuss timing of street construction (Meeting Street).
27. Discuss need for a preliminary subdivision plan.
28. Discuss entrance revisions from spacing center line of Patchen Wilkes Drive.
29. Discuss development of remaining property across from Meeting Street extension.
30. Discuss possible need for an upgrade of Meeting Street to a collector street.

Representation – Gwyn Stiffler-Wheeler, Continental Properties, was present representing the applicant, and requested postponement of DP 2013-40: TUSCANY, TRACT A to the May 23, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Penn, seconded by Mr. Wilson and carried 9-0 (Blanton and Roche-Phillips absent) to postpone DP 2013-40: TUSCANY, TRACT A to the May 23, 2013, Planning Commission meeting.

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IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 2, 2013, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Carolyn Plumlee, Eunice Beatty, Will Berkley and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Traci Wade, Denice Bullock, Dave Jarman and Cheryl Gallt, as well as Andrew Grunwald, Division of Engineering; Captain Charles Bowen and Lieutenant Greg Lengal, Division of Fire; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

A. **CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2013-29F: WIGGINS & CO., INC., LOT A (AMD) (6/2/13)* - located at 2520 Nicholasville Road.
(Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to subdivide one lot into three lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Addition of property owner's/developer information.
 8. Correct scale information.
 9. Addition of dashed lines for adjacent property.
 10. Correct amount of lot frontage in site statistics.
 11. Correct location of amendment on vicinity map.
 12. Complete property line information along frontage of Lots A-2 & A-4.
 13. Delete curb information shown on Lot A-3.
 14. Resolve the timing of any possible roadway improvements.
2. PLAN 2013-37F: TURFLAND MALL (AMD) (6/30/13)* - located at 2195 Harrodsburg Road.
(Council District 11) **(HDR)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.

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6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
 7. Complete boundary information for Tract 2 (solid lines), including bearings and dimensions.
 8. Delete notes #8 and #9.
 9. Addition of required site statistics.
 10. Addition of all easement information on Tract 2.
 11. Addition of private utility providers.
 12. Correct note #5.
 13. Revise note #1 to current requirements.
 14. Approval and certification of an amended development plan prior to plan certification.
3. PLAN 2013-39F: BELLDAL ADDITION, LOT 66 (FORMERLY WICKLIFFE LAND CO) (AMD) (6/30/13)* - located at 393 and 395 Bassett Avenue. (Council District 5) (MLH)

Note: The purpose of this amendment is to create two lots from one deeded lot with two existing residential structures.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote: The use of these lots is restricted to only single family homes.
 8. Denote front building line (per Art. 8-8(h)) and side street setback (per Art. 15-2(b)(4)).
 9. Denote "Final Record Plat" within the title block.
 10. Denote site statistics on face of plan (per Art. 5-2(f) and 5-4(c) of the Land Subdivision Regulations).
 11. Denote listing of private utility providers.
 12. Correct engineer's/surveyor's certification.
 13. Correct Planning Commission's certification.
 14. Denote Urban County Engineer's certification.
 15. Correct owner's certification.
 16. Provided the Planning Commission finds that this subdivision complies with Article 4-5(a) of the Zoning Ordinance.
 17. Denote non-conformity of structures relative to the required 30' building line along Bassett Avenue.
 18. Document compliance with Article 4-7(e)(4) of the Land Subdivision Regulations prior to certification.
 19. Resolve driveway encroachment into right-of-way on Lot 66B.
4. DP 2013-34: BEAUMONT FARM, UNIT 1, SEC 5, LOT 7 & LOT 2 (AMD) (6/30/13)* - located at 1146 and 1152 Monarch Street. (Council District 10) (EA Partners)

Note: The purpose of this amendment is to add 9 parking spaces to Lot 2, increase buildable area of Lot 7 and document reciprocal parking.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Addition of notes #13-#16 from DP 2009-46.
 10. Denote location of street cross-sections.
5. DP 2013-35: BLUEGRASS EXECUTIVE PARK, UNIT 1-C, SEC. 2, BLK D, LOT 1 (6/30/13)* - located at 2141 Executive Drive. (Council District 6) (EA Partners)

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.

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5. Urban Forester's approval of tree preservation plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Addition of sidewalk along Thunderstick frontage to Executive Drive.
 10. Denote sidewalk from public street to building entrance.
 11. Denote source of floodplain information.
 12. Dimension entrance sidewalk width.
 13. Resolve possible re-design of off-street parking areas.
 14. Resolve relocation of utilities in the right-of-way.
6. DP 2013-37: FEARS PROPERTY (AMD) (6/30/13)* - located at 150 Shoreside Drive.
(Council District 7) **(Barrett Partners)**

Note: The purpose of this amendment is to add an office building and modify the parking layout.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Revise tree preservation plan notes (no longer identical to the approved plan).
 11. Division of Water Quality's approval of building construction in storm water basin.
 12. Resolve conflict of new building and stormwater management facility.
 13. Document compliance with Richmond Road Corridor Ordinance #310-98 in lieu of payment requirement.
7. DP 2013-38: WIGGINS & COMPANY, INC (AMD) (6/30/13)* - located at 2520 Nicholasville Road.
(Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to add a bank and a retail building and to amend the required parking and circulation.

The Subdivision Committee Recommended: **Approval**, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 7. Division of Waste Management's approval of refuse collection locations.
 8. Add stop bars at intersection with north-south access aisle.
 9. Correct note #1.
 10. Dimension all access points.
 11. Revise note #6 to the approval of the Division of Engineering.
 12. Resolve 50' building line and service road easement per plat (N-139).
 13. Resolve possible need for a continuous median along main entrance.
8. DP 2013-39: THE APIARY (AMD) (6/30/13)* - located at 218 Jefferson Street.
(Council District 1) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to increase the buildable area by 3,868 sq. ft. This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.

6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 7. Division of Waste Management's approval of refuse collection locations.
 8. Eliminate buildable area hatching per the approved development plan, and addition of a building envelope, as necessary.
 9. Identify off-site parking locations on face of plan.
 10. Document off-street parking agreement, prior to plan certification.
 11. Clarify use and location of basement areas.
 12. Revise plan to reflect "as-built" conditions along Miller Street.
9. DP 2013-41: LEXINGTON MALL PROPERTY (SOUTHLAND CHRISTIAN CHURCH) (AMD) (6/30/13)* - located at 1600 East New Circle Road. (Council District 5) **(Miller - McCoy)**

Note: The purpose of this amendment is to add a building and parking at 1600 E. New Circle Road.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping, landscape buffers and arterial screening.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Clarify square footage, dimensions, and uses proposed along north side of proposed building.
 10. Document installation of required tree canopy plantings prior to certification.
 11. Complete proposed access connection/pavements to Woodhill Drive.
 12. Identify pedestrian facilities from Woodhill Drive/New Circle Road intersection to store's entrance.
 13. Complete tree canopy information for 1600 New Circle Road lot.
 14. Document compliance with interior landscaping requirements for 1600 New Circle Road lot.
 15. Clarify topographic information in and near "amended area".
 16. Revise 50' building line from B-6P zoning boundary.
 17. Certification and recordation of a minor easement plat prior to certification of plan.
 18. Resolve Woodhill Road access closest to New Circle Road.
10. DP 2013-42: MAN O' WAR DEVELOPMENT, UNIT 2A, SEC. 2 (AMD) (6/30/13)* - located at 2073 Bryant Road. (Council District 5) **(Summit Engineering)**

Note: The purpose of this amendment is to add a 2,800-sq. ft. storage building and to reconfigure the parking and circulation on the site.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 7. Division of Waste Management's approval of refuse collection locations.
 8. Clarify site statistics and add lot coverage statistics.
 9. Correct note #6.
 10. Document compliance with tree canopy requirements prior to plan certification.
 11. Complete parking information at the front of the building and improve plan clarity.
11. DP 2013-43: MAN O' WAR DEVELOPMENT, UNIT 2A, LOTS A-18 & A-19 (AMD) (6/30/13)* - located at 1920 Pleasant Ridge and 1925 Justice Drive. (Council District 6) **(Banks Engineering)**

Note: The purpose of this amendment is to increase the building square footage and revise the parking.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.

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6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Clarify site statistics with respect to gross floor area "existing" vs. "proposed" table.
 10. Denote zoning on face of plan.
 11. Add all information on Phase 2 preliminary plan per DP 2009-62.
12. DP 2013-5: MANCHESTER DEVELOPMENT (AMD) (7/21/13)* - located at 922, 926 and 930 Manchester Street.
(Council District 2) **(Barrett Partners)**

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to add 922, 926 and 930 Manchester Street for a new building as part of this Adaptive Reuse Project. The Planning Commission originally approved this plan on January 17, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection.
9. Clarify site statistics, including required and provided parking.
10. Clarify proposed uses, including square footage and parking requirements.

Note: The applicant now requests a continued discussion to increase the building area, add a second floor and dwelling unit, along with a pavilion on the garden property.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions.

13. DP 2011-19: HAMBURG PLACE OFFICE PARK, LOT 12-A (AMD) (7/23/13)* - located on Pink Pigeon Parkway and Vendor Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to reflect development on Lot 12A. The Planning Commission originally approved this plan on March 10, 2011, and reapproved it on October 11, 2012. The applicant had requested a continued discussion to revise the layout of the approved development of this plan and was approved by the Commission on December 12, 2012, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Addition of proposed easements on Lot 13.

Note: The applicant now requests a continued discussion to add more square footage to the previously approved development plan.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions.

14. DP 2013-49: LEXINGTON MEDICAL ARTS PROPERTY (7/23/13)* - located at 2368 Professional Heights Drive.
(Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to revise the footprint of the proposed extended-stay hotel and to correct the site statistics accordingly.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection.

8. Denote graphic scale.
9. Denote lot coverage and floor area ratio for extended-stay hotel.
10. Revise purpose of amendment note.

Mr. Sallee said that the staff had previously distributed findings for PLAN 2013-39F: BELLEDALE ADDITION, LOT 66 (FORMERLY WICKLIFFE LAND CO) (AMD), adding that the Commission must make a finding that this subdivision complies with Article 4-5(a) of the Zoning Ordinance. He then said that the staff had also distributed two memoranda for DP 2013-39: THE APIARY (AMD) and DP 2013-5: MANCHESTER DEVELOPMENT (AMD), adding that these memorandums are referencing that the Adaptive Reuse requirements are being satisfied. He said that the staff had received notice of the required posting of a sign and an affidavit for DP 2013-39: THE APIARY (AMD), adding that the documentation received for this request appeared to be in order.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission or the audience to permit discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Ms. Beatty asked that PLAN 2013-39F: BELLEDALE ADDITION, LOT 66 (FORMERLY WICKLIFFE LAND CO) (AMD) be removed from the Consent Agenda to allow further discussion.

Action - A motion was made by Mr. Penn, seconded by Ms. Plumlee and carried 9-0 (Blanton and Roche-Phillips absent) to approve the remaining items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. PRELIMINARY SUBDIVISION PLANS & FINAL SUBDIVISION PLANS

Note: The following two items were presented consecutively.

- a. PLAN 2005-108P: BELMONT FARM, UNIT 5 (COVENTRY) (7/24/13)* - located off Spurr Road.
(Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on June 9, 2005; and reapproved it on June 8, 2006, and on July 12, 2007, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace Planner's approval of the treatment of greenways/bike trails.
6. Correct plan title.
7. Resolve length of stub streets without turnarounds in relation to timing of development at final record plat stage.

Note: This plan was certified on December 27, 2007. However, improvement plans have not been submitted to the Division of Engineering in the past 5½ years. The applicant now requests reapproval of the plan.

The Staff Recommended: Reapproval, subject to original conditions 1-5, and revising the following:

3. Building Inspection's approval of landscaping and required street tree information.
5. Urban Forester's approval of tree preservation plan and required street tree information.

* - Denotes date by which Commission must either approve or disapprove request.

- b. PLAN 2005-321P: BELMONT FARM, UNIT 7 (COVENTRY) (7/24/13)* - located at 2400 and 2450 Georgetown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on January 12, 2006, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names as per e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
7. Environmental Planner's approval of treatment of the Royal Spring Aquifer Recharge Area.
8. Clarify the zoning boundaries (per MAR 2001-33) and soil floodplain areas.
9. Complete labeling of "greenway" and "future development" areas.
10. Provide pedestrian access to greenway area(s).
11. Provided all sidewalk widths are increased to at least 5 feet.
12. Provided the Commission grants a waiver to Article 6-8(q) of the Subdivision Regulations.

Note: This plan was certified on April 20, 2006. However, improvement plans were not submitted for all 198 lots in the past seven years. The applicant now requests reapproval of the plan.

The Staff Recommended: **Reapproval**, subject to original conditions 1-7, and revising the following:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
4. Addressing Office's Approval of street names ~~as per e911 staff~~ and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.

Staff Presentation – Mr. Martin presented the preliminary subdivision plans for Belmont Farm, Unit 5 (Coventry), located off Spurr Road (PLAN 2005-108P) and Belmont Farm, Unit 7 (Coventry), located on a portion of 2400 and 2450 Georgetown Road (PLAN 2005-321P). He said that the Planning Commission originally approved these plans on January 12, 2006, subject to the conditions listed on today's agenda.

Mr. Martin directed the Commission's attention to a photo shown on the overhead projector, and said that the subject properties are located just off Georgetown Road. He said that Citation Boulevard and Interstate 75 are to the north of the subject properties, while Coldstream Research Farm is to the east. He further oriented the Commission to the nearby street system, as well as to the uses in the general vicinity. Mr. Martin said that both of these requests are for property zoned R-3. Unit 5 is proposing to develop 175 single family lots and one greenspace lot, while Unit 7 is proposing to develop 198 single family lots. He noted that Unit 4 has been built out; and the plans for Units 5 & 7 are certified, but are not yet developed or recorded.

Mr. Martin directed the Commission's attention to the agenda and said that, in reviewing the list of conditions, each of these plans has addressed some of the conditions that were previously approved. This is the reason for the discrepancy between the original conditions and what is listed under the staff's recommendation. He said that the staff is also recommending modifying two of the conditions for each request to reflect the current regulations associated with the Division of Building Inspection, the Urban Forester and the Division of Addressing. He added that both of these requests do require a 30% Improvement Plan progress report, and the applicant did submit this to the staff as required by Article 4-5(b) of the Land Subdivision Regulations. He said that Unit 7 does have an associated waiver attached to this request, and the Planning Commission will need to grant a waiver to Article 6-8(q) of the Subdivision Regulations. He explained that the requested waiver relates to the street spacing in this area, and the applicant's justification for this waiver is to create a residential subdivision under the neo-traditional guidelines. Both of these reports were previously distributed to the Planning Commission for their review.

Representation – Rory Kahly, EA Partners, was present, and indicated their agreement with the staff's recommendations and requested reapproval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss these requests. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Blanton and Roche-Phillips absent) to reapprove PLAN 2005-108P: BELMONT FARM, UNIT 5 (COVENTRY), subject to the conditions, as presented by the staff.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Blanton and Roche-Phillips absent) to reapprove PLAN 2005-321P: BELMONT FARM, UNIT 7 (COVENTRY), subject to the conditions, as presented by the staff; including granting the waiver to Article 6-8(q) of the Subdivision Regulations, as present by the staff.

* - Denotes date by which Commission must either approve or disapprove request.

Note: The following three items were presented concurrently.

- c. PLAN 2005-173F: BELMONT FARM, UNIT 4-B (COVENTRY) (7/24/13)* - located at 2450 Georgetown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005; and reapproved it on July 13, 2006, July 12, 2007 and August 14, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street names and addresses by e911 staff.

Note: A portion of this plan was certified and recorded for Section 1 on November 4, 2005. The applicant now requests reapproval of the plan.

The Staff Recommended: Postponement. The required 30% Improvement Plan progress report is in need of updating, and has not yet been submitted to the Planning Commission as required by Article 4-5(b) of the Land Subdivision Regulations.

- d. PLAN 2005-174F: BELMONT FARM, UNIT 4-C (COVENTRY) (7/24/13)* - located at 2450 Georgetown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005; and reapproved it on July 13, 2006, July 12, 2007 and August 14, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street names and addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.

Note: A portion of this plan was certified and recorded for Section 1 on November 4, 2005. The applicant now requests reapproval of the plan.

The Staff Recommended: Postponement. The required 30% Improvement Plan progress report is in need of updating, and has not yet been submitted to the Planning Commission as required by Article 4-5(b) of the Land Subdivision Regulations.

- e. PLAN 2005-175F: BELMONT FARM, UNIT 4-D (COVENTRY) (7/24/13)* - located at 2450 Georgetown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005; and reapproved it on July 13, 2006, July 12, 2007 and August 14, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street names and addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.

Note: A portion of this plan was certified and recorded for Section 1 on November 4, 2005. The applicant now requests reapproval of the plan.

The Staff Recommended: Postponement. The required 30% Improvement Plan progress report is in need of updating, and has not yet been submitted to the Planning Commission as required by Article 4-5(b) of the Land Subdivision Regulations.

Staff Presentation – Ms. Gallt presented the final development plans for Belmont Farm, Units 4-B, 4-C and 4-D (Coventry). These properties are located on a portion of 2450 Georgetown Road. She directed the Commission's attention to the rendering and oriented them to the surrounding area and street system. She said that a portion of Units 4-B and 4-C have been recorded; however, none of the lots on Unit 4-D have been

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recorded. The applicant is now requesting these three requests be reapproved to permit the development to move forward.

Ms. Gallt directed the Commission's attention to the staff recommendations listed meeting agenda, and briefly explained the list of conditions for each of these requests. She said that the staff had initially recommended postponement of these requests due to the required 30% Improvement Plan not being submitted to the staff. She then said that the applicant has provided the required information and the staff can now recommend reapproval of each of these requests, subject to the original conditions, as listed on the agenda.

Planning Commission Questions – Mr. Penn asked if the applicant was agreeable to the items in the 30% Improvement Plan report. Ms. Gallt replied affirmatively.

Representation – Rory Kahly, EA Partners, was present, and indicated that they are in agreement with the staff's recommendations and requested reapproval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss these requests. There was no response.

Action - A motion was made by Mr. Berkley, seconded by Mr. Brewer, and carried 9-0 (Blanton and Roche-Phillips absent) to reapprove PLAN 2005-173F: BELMONT FARM, UNIT 4-B (COVENTRY), subject to the conditions, as presented by the staff.

Action - A motion was made by Mr. Berkley, seconded by Mr. Brewer, and carried 9-0 (Blanton and Roche-Phillips absent) to reapprove PLAN 2005-174F: BELMONT FARM, UNIT 4-C (COVENTRY), subject to the conditions, as presented by the staff.

Action - A motion was made by Mr. Berkley, seconded by Mr. Brewer, and carried 9-0 (Blanton and Roche-Phillips absent) to reapprove PLAN 2005-175F: BELMONT FARM, UNIT 4-D (COVENTRY), subject to the conditions, as presented by the staff.

2. FINAL SUBDIVISION PLANS

- a. PLAN 2013-17F: DISTILLERY DISTRICT (5/9/13)* - located at 1200 Manchester Street.
(Council District 2) **(2020 Land Surveying)**

Note: The Planning Commission postponed this plan at their March 14, 2013; March 28, 2013 and April 11, 2013, meetings. The purpose of this final record plat is to subdivide one lot into three lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Denote 20' building line along Manchester Street frontage.
10. Denote: This property shall be developed in accordance with the approved final development plan.
11. Correct purpose of plat note.
12. Correct site statistics.
13. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) - Certification of Substantial Completion.
14. Resolve floodplain configuration adjacent to CSX Railroad.
15. Resolve timing of street improvements (TIF).

Staff Presentation – Mr. Jarman presented the final record plat for the Distillery District, located at 1200 Manchester Street. He noted that the Planning Commission postponed this request at their March 14, 2013; March 28, 2013 and April 11, 2013, meetings. He said that the subject property is located between the CSX Railroad overpass and South Forbes Road, and the purpose of this final record plat is to subdivide one lot into three lots.

Mr. Jarman said that the Subdivision Committee had recommended approval of this request, subject to the conditions listed on today's agenda. He directed the Commission's attention to the list of conditions, and briefly explained that conditions #1 through #8 are standard sign-off requirements from the different divisions of the LFUCG. He

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said that the remaining conditions are "clean-up" items, with the exception of condition #13, which will require the Planning Commission to grant a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations.

Waiver Presentation – Mr. Martin said that the applicant is requesting a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations, which is related to the substantial completion of the public improvements. He then said that, should the Planning Commission grant this waiver request, this would allow the applicant to record these lots then transfer the property.

Mr. Martin said that the applicant is facing significant issues with the design of the sanitary sewer system. He then said that this property is part of the Distillery District Adaptive Reuse Project and is governed by an approved development plan. He added that there are a number of historic buildings on this property, including the Pepper Distillery building. He directed the Commission's attention to the final record plat, and said that the development plan has many restrictions and requirements attached to this site. For this particular situation, the lots fronting Manchester Street are entirely within a FEMA 100-year regulatory floodplain. He said that the regulatory elevation for this area is believed to be between 5 and 7 feet above what is reality. However, no new study has been conducted to alter this information or the floodplain boundary. He then said that during some discussions it was mentioned to have the study conducted along with the TIF improvements associated with this development. The problem with this area as it relates to the sanitary sewer system is the number of lots and the elevation changes.

Mr. Martin said that the buildings along Manchester Street have never been connected to a public sewer system, and due to the three elevations those buildings would need to rely on a pump station. Therefore, the applicant would need to build the pump station, as well as a collection system that would be constructed under the railroad to connect with the public sanitary sewer system. He said that the reason this request was previously postponed was to allow the applicant and the Divisions of Planning, Engineering and Water Quality to meet and discuss the issue of design and the ownership of the pump station and collection system. From that discussion, the LFUCG has stated that the city does not want to take ownership due to the site constraints imposed by of the regulatory floodplain. He said that the applicant is agreeable to build the private system, which is the key to this waiver request.

Mr. Martin said that, as part of the waiver request, the applicant is also requesting a waiver to any road improvements, which is required when there is a subdivision plan. However, this is a TIF district and there is still a lot of work to be done to evaluate the scope of the improvements under the TIF. He said that the TIF funded improvements are intended to address the street improvements, particularly pedestrian safety improvements.

Mr. Martin said that the applicant had met with the Division of Planning, the Division of Engineering and the Division of Water Quality, and is in agreement with the recommendation of approval of the requested waiver, for the following reasons:

1. Granting the waiver is consistent with Article 1-5(c) of the Land Subdivision Regulations that encourages infill and redevelopment facilitation.
2. Not granting the waiver constitutes a hardship for the applicant due to the significant site constraints, including the FEMA floodplain, the elevation and location of the public sewer line and the configuration of the built environment.
3. Granting the waiver will not adversely affect public health and safety, as the required sanitary sewer will be constructed prior to occupancy; and the public street improvements will be constructed in conjunction with the rest of the street improvements as required by the approved development plan. Approval of that construction will require that this new construction will be privately maintained.

Mr. Martin said that this recommendation is made subject to the following requirements:

- a. Denote: No Certificate of Occupancy for Lots 1, 2 or 3 shall be issued until sanitary sewer service is provided to the Kentucky State Plumbing Code and accepted by the Division of Engineering and the Division of Water Quality.

Mr. Martin then said that that the Division(s) of Engineering and Water Quality have received a proposal from the applicant on the design of the sanitary sewer system.

Planning Commission Questions – Mr. Penn asked who would be responsible for maintaining that system if the applicant is building the system and pumping it under the railroad to connect to the city line. Mr. Martin said that the applicant would be responsible for maintaining that system. Mr. Penn then asked why this isn't listed as part of this request. He said that this is not the first time a privately owned pump station and collection system was built and at some point there were problems, which made the city step in to take care of the problem. He asked if a note should be added stating that by granting this waiver, the applicant not only accepts ownership; but they are accepting the responsibilities for the maintenance, inspections and so forth. Mr. Martin said that that is a given, as being part of the agreement between the Division of Engineering and the Division of Water Quality accepting their design proposal. He then said that the staff is unaware of the particular language that is used; but should the Commission want to clearly state that the applicant is responsible, the conditions can be revised. Mr. Penn said that Blue Sky Parkway was a given too, but it did not work out that way. Mr. Martin agreed.

Representation – Justin Drury, 2020 Land Surveying, was present, and said that they are in agreement with the staff's recommendations and requested approval.

Planning Commission Questions – The Chair asked if the applicant is agreeable to the list of conditions recommended, and the waiver conditions as presented by the staff. Mr. Drury replied affirmatively. The Chair then asked if the applicant understands that it is a given that the applicant is responsible for the maintenance of the pump station. Mr. Drury said that the applicant would accept whatever verbiage that is presented by the Division of Engineering and the Division of Water Quality, and he would apply it to the final record plat.

Ms. Beatty asked if there have been developments with similar circumstances that were approved by the Commission; and if there were any long-term impacts to public safety. Mr. Martin said that the Planning Commission granted a waiver for substantial completion in the Hamburg and Tuscany developments to allow the coordination of those developments. He then said that it is important to remember, for these two cases, that the public utilities, the sanitary sewer system and the infrastructure were in place prior to an occupancy permit being issued, which is the key. He said that, for this particular case, the private sewer system must be built and approved before any occupancy permits are issued. He then said that under normal circumstances, street improvements are done prior to an occupancy permit being issued, but since this development is part of the TIF District and it is in the Infill and Redevelopment Area and is an Adaptive Reuse project, the improvements are being funded through the TIF. However, the staff is unaware of the time frame as to when those improvements will occur. He said that due to both the TIF and the development plan requirements, the staff is comfortable that those improvements would be made. Mr. Sallee clarified that the sewer system in the Tuscany development was a public sewer system, but other parts of that waiver are similar to this request. Mr. Martin agreed, adding that private sewers are not common; and if private systems are used, then there is a developer's agreement that is created for them to build that system and make it part of the public system. Mr. Sallee said that it has been awhile since this type of waiver has been presented to the Commission; but on a smaller scale, one example would be subdividing one lot into two lots for a duplex split. He explained that when the one lot is subdivided into two lots, this allows each duplex to be separately owned. These buildings would share one private system going from the street to the buildings, instead of replacing the existing system with two separate lines to each property. Mr. Martin said that, in most cases, where a pump station is built on a system, they do become public.

Ms. Beatty said that she is raising the question since this development is in a significant area and is concentrated in the downtown area; but if the staff is comfortable with this project; then she is fine with the staff's recommendation. Mr. Martin agreed that this is a unique area and the Planning Commission's concern is valid. He then said that these buildings were built prior to any public sewer system being installed, and most had straight pipes into Town Branch; so having a private system is definitely a step in the right direction.

Mr. Penn said that this type of request has nothing to do with a duplex being split, and the difference with this request is that the pump station would be located in a significant floodplain that is below grade. He then said that he is not comfortable with allowing a pump station to be built in a regulatory floodplain, then have it connected to the city sewer system and assuming the applicant would keep maintaining it. He added that the Planning Commission is assuming that the applicant would keep up the maintenance of this pump station and he believes that the city does not want to operate a pump station in a floodplain. Mr. Martin said that the staff had made it very clear to the applicant that the city does not want that responsibility. He then said that the applicant will need to design the pump station above the regulatory floodplain in order for it to function correctly. He added that the Planning Commission can add a condition to clearly state that the applicant is responsible for the maintenance of the pump station. Mr. Sallee suggested that the Planning Commission make the following change to condition #1:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, their maintenance responsibilities, and floodplain information.

Mr. Penn expressed his gratitude.

Mr. Berkley asked if the floodplain elevation is being questioned. Mr. Martin explained that over the years there has been a lot of floodplain mapping done in this area, and these maps have been accepted by the Division of Engineering and others. However, the concern is that the older elevations are incorrect and FEMA will not accept the updated maps unless a full study of the area is conducted, which can cost more than \$40,000. He said that there have been discussions to include part of that cost in the TIF improvements; but since that cost was not included in the initial presentation to the Urban County Council, that may be difficult. The applicant would like to find a way to fund that cost and have it done.

Mr. Berkley then asked if the applicant knows the cost for the private system, in terms of the feasibility of conducting that study. He also asked if the Commission is being asked to grant this request to allow the project to move forward in hopes that a future study would be conducted that would take the pump station out of the floodplain. He added that if the pump station is taken out of the floodplain, then the city may decide to take over its responsibility. Mr. Martin replied that that is a possibility, but that the Division of Planning, the Division of

Engineering and the Division of Water Quality's concern is the floodplain, and the city does not want to take responsibility of that system. He added that the city is comfortable with the applicant maintaining responsibility of the pump station. He said that there is a possibility that this area could be studied, revising the floodplain; and, should that happen, the city could then reconsider accepting or not accepting responsibility for that pump station.

Mr. Berkley said that, depending on the size of the pump station, it could cost around \$100,000 and asked how much larger the pump station needs to be to serve this area or these buildings. Tony Higden said that the pump station has been designed to be above the floodplain; and as for the cost, it could cost around \$80,000. Mr. Berkley said that a \$40,000 FEMA study would be a savings and could resolve this issue. Mr. Drury said that, regardless of a study, a pump station is needed to due to the elevation in the area. Mr. Berkley then asked how much the maintenance of a pump station would cost and if that cost warrants the need for a FEMA study to be conducted. Mr. Higden said that, even if the study were to significantly reduce the level of the floodplain, a pump station is still needed due to the city sewer line being at a much higher elevation than the development. Mr. Berkley replied that he understood; but there would be a cost to maintain that pump station, and asked if it would be better to have the study conducted and perhaps the city could take it over. Mr. Higden said that, from the discussions with the Divisions(s) of Planning, Engineering and Water Quality, the city is not interested in taking over the responsibility of the pump station at all. Mr. Berkley replied that it is because it is in the floodplain. Mr. Higden replied that the staff would need to speak to that.

Mr. Penn asked if the other lots along Manchester Street would need to have a similar request. Mr. Martin said that he could not speak to those lots, but the city sanitary sewer is located across Manchester Street at a higher elevation. As for these three lots, they would be served by the pump station. Mr. Penn said that if the city line is on the opposite side of the street, it would be assumed that the other lots would not flow into the city sewer system. Mr. Martin said that that was part of the aspect when the cost estimates were being reviewed by the engineering firm. He then said that that engineer had addressed the cost for the infrastructure and utilities for the entire area. Mr. Penn said that, to serve these three lots, the pump station is costing \$80,000. He then said that he would hate to see four pump stations along Manchester Street only to serve one side of the road. Mr. Martin said that the difficulty with an Adaptive Reuse Project is getting people there and generating activity. Mr. Penn said that he understood, but this is generating bad public policy to have every private developer having to build a pump station to serve one side of Manchester Street. He then said that this needs to be more creative, unless that is all that can be done. He added that he does not like the word "assume" and he wants assurance that there will be maintenance of the pump station.

The Chair asked if the new language (condition #1) presented by the staff was satisfactory. Mr. Penn was agreeable.

Audience Comment – The Chair asked if anyone in the audience wished to discuss these requests. There was no response.

Planning Commission Questions – Ms. Beatty said that the Commission has been reviewing this area for a fair amount of time and there have been consultants looking at the entire area. She asked, when looking at the bigger picture, if the infrastructure management was initially set up for the city to eventually take control after this area was developed. She then asked for a brief overview on the previous studies for the Distillery District. Mr. Martin said that, on previous plans, the Planning Commission had discussed the adequacy of the infrastructure, the streets and pedestrian safety; and there are strong limits as to what can be done on these sites before a building permit is issued. He added that these requests must go before the Floodplain Appeals Committee before a building is utilized. It was known that the infrastructure, such as the sewer system, would present a challenges and this was one of the reasons the TIF was pursued and granted by the State of Kentucky. He then said that this is also the reason the applicant had hired a consulting firm to project the estimating cost. He added that the applicant was aware this would take both public and private participation to address the challenges and issues facing this site. He said that the applicant is motivated and is taking the proper steps to move this development forward.

Ms. Mundy asked, if the current property owner decides to sell this property in the future, what assurances there are that the next property owner would have to adhere to the maintenance agreement. Mr. Martin said that that maintenance agreement would carry forward unless it is officially changed.

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 9-0 (Blanton and Roche-Phillips absent) to approve PLAN 2013-17F: DISTILLERY DISTRICT, subject to the conditions listed on the agenda, changing condition #1 to read: "Urban County Engineer's acceptance of drainage, storm and sanitary sewers, their maintenance responsibilities, and floodplain information," and including the granting waiver, as presented by the staff.

- b. PLAN 2013-27F: HAMBURG EAST, TRACTS 1 & 3 (AMD) (6/2/13)* - located at 2185 Polo Club Boulevard.
(Council District 12) **(Vision Engineering)**

* - Denotes date by which Commission must either approve or disapprove request.

Note: The Planning Commission postponed this plan at their April 11, 2013, meeting. The purpose of this amendment is to subdivide one lot into three lots and to add easements.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the timing of the dedication of the greenspace lot.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote building line.
9. Revise engineer/surveyor certification.
10. Denote the regulatory flood elevation per Article 5-4(d)(5).
11. Addition of minimum lot building lines proposed for Tracts 1 & 3 (along frontages).
12. Addition of floodplain information for Tract 3.
13. Addition of existing Columbia Gas transmission easement on Tract 3.
14. Denote Tract 2 frontage and side lot line with dashed lines.
15. Addition of "Elkhorn Creek Detail" for Tract 3 from current non-building plat.

Staff Presentation – Mr. Martin presented the final subdivision plat for Hamburg East, Tracts 1 & 3 (AMD), located at 2185 Polo Club Boulevard. He directed the Commission's attention to the rendered plat, and briefly oriented them to the overall area and to the nearby street system. He explained that Man o' War Boulevard is to the south, Hamburg Shopping Center and Interstate 75 are to the north and Winchester Road is east of the subject property. The purpose of this amendment is to subdivide one lot into three lots and to add easements. He noted that one of the lots is proposed to be a greenspace area.

Mr. Martin said that the staff had recommended postponement of this request due to concerns with the timing and dedication of the greenspace lot, as well as the identified EAMP storm water facility. He noted that the Planning Commission had recently approved a similar request on the Newmarket property near the proposed elementary school site; and at that time, the staff was concerned with the timing of acceptance of that storm water facility into the public system. He explained that, for this request, the original design of the storm water facility was proposed to be a permanent pool; however, the applicant has proposed to change that design to create a wetland area with additional landscaping, environmental and habitat work. He said that the applicant wants to comply with the Expansion Area Developers' Agreement and the Division of Water Quality adopted policy concerning how these basins are accepted by the city and who is responsible for the basin. Mr. Martin said that, with the dedication of this plat, the applicant would be adhering to those policies, and this would allow the warranty periods to be extended appropriately. He noted that the staff had sent the applicant an example of a Newmarket plat note, and they have agreed to edit that note to the circumstances of this request. This would include crafting the note to identify this storm water facility and naming the agreement.

Mr. Martin said that should the Planning Commission approve this plat, the staff is recommending a 16th condition to be added that reads: "Resolve the timing and dedication of the storm water facility." He directed the Commission's attention to the list of conditions, and briefly explained that conditions #1 through #6 are standard sign-off requirements from the different divisions of the LFUCG; the remaining conditions are "clean-up" items that would need to be addressed prior to the plan being certified.

Planning Commission Question – The Chair asked when this request was filed. Mr. Martin indicated that this request was filed in March.

Representation – Matt Carter, Vision Engineering, was present, and said that they will meet with the staff to craft a note to correctly address the timing and dedication of the storm water facility. He then said that they are in agreement with the staff's recommendations, including the 16th condition, and requested approval.

Planning Commission Questions – The Chair asked why the applicant didn't meet with the staff concerning the timing and dedication of the storm water facility. Mr. Carter said that they were waiting until the Newmarket plat was approved to have a better understanding as to how to craft the note; plus, it took time to have all parties meet on this issue.

The Chair then asked if the applicant is agreeable to the language noted on the 16th condition. Mr. Carter replied affirmatively.

Mr. Penn asked why this request wasn't postponed until after the timing and dedication of the greenspace had been resolved. He said that the Subdivision Committee had recommended postponement of this request due to the same issues and he did not understand why this was being presented to the Commission. He then said that the meeting should have taken place prior to this being presented; but instead of that meeting, the Commission is now being asked to approve this request with the addition of a 16th condition that would resolve the timing and dedication of the storm water facility. Mr. Martin said that the applicant was in compliance with the requirements of the water quality policy; however, the staff was concerned with the timing, dedication and acceptance of the property. He then said that, on the Newmarket property, the Commission was being asked to place a time frame on the acceptance of the dedication. He added that, for this request, the applicant has agreed to add language to the plat noting the timing and dedication. He said that once this plat is recorded, the Urban County Council still has the authority to accept the dedication; but it would be on their time frame.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 8-1 (Plumlee opposed; Blanton and Roche-Phillips absent) to approve PLAN 2013-27F: HAMBURG EAST, TRACTS 1 & 3 (AMD), subject to the conditions listed on the agenda, including the addition of a 16th condition, as presented by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 9-0 (Blanton and Roche-Phillips absent) to approve the release and call of bonds as detailed in the memorandum dated May 9, 2013, from Hillard Newman, Division of Engineering.

D. DISCUSSION ITEMS (continuation)

2. FINAL SUBDIVISION PLANS

- c. PLAN 2013-39F: BELLDALE ADDITION, LOT 66 (FORMERLY WICKLIFFE LAND CO) (AMD) (6/30/13)* - located at 393 and 395 Bassett Avenue. (Council District 5) (MLH)

Note: The purpose of this amendment is to create two lots from one deeded lot with two existing residential structures.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: The use of these lots is restricted to only single family homes.
8. Denote front building line (per Art. 8-8(h)) and side street setback (per Art. 15-2(b)(4)).
9. Denote "Final Record Plat" within the title block.
10. Denote site statistics on face of plan (per Art. 5-2(f) and 5-4(c) of the Land Subdivision Regulations).
11. Denote listing of private utility providers.
12. Correct engineer's/surveyor's certification.
13. Correct Planning Commission's certification.
14. Denote Urban County Engineer's certification.
15. Correct owner's certification.
16. Provided the Planning Commission finds that this subdivision complies with Article 4-5(a) of the Zoning Ordinance.
17. Denote non-conformity of structures relative to the required 30' building line along Bassett Avenue.
18. Document compliance with Article 4-7(e)(4) of the Land Subdivision Regulations prior to certification.
19. Resolve driveway encroachment into right-of-way on Lot 66B.

Staff Presentation – Mr. Jarman presented the amended development plan for Belldale Addition, Lot 66, (formerly known as Wickliffe Land Company), located at 393 and 395 Bassett Avenue. He directed the Commission's attention to a drawing shown on the overhead projector, and noted that the subject property is at the corner of Bassett Avenue and Robertson Avenue. He added that Richmond Road is to south of the subject property and the railroad tracks are to the north.

Mr. Jarman said that the purpose of this amendment is to create two lots from one deeded lot with two existing residential structures. He then said that the Subdivision Committee reviewed this request and recommended approval, subject to the conditions listed on today's agenda. He directed the Commission's attention to the list of conditions, and briefly explained that conditions #1 through #6 are standard sign-off requirements from the different divisions of the LFUCG. He said that the remaining conditions are "clean-up" items, with the exception

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of condition #16, which would require the Planning Commission to make a finding that this subdivision complies with Article 4-5(a) of the Zoning Ordinance. He then directed the Commission's attention to the previously distributed staff report for the finding, and said that under certain conditions; a lot can be subdivided when there is more than one legally constructed residence on that lot. In order to subdivide such lot, evidence must be presented demonstrating that each residence has separate utility connections, and each residence has been utilized in a separate and distinct manner. Such evidence has been presented to the staff by the applicant and utility personnel to support these findings.

Mr. Jarman said that, since the Subdivision Committee meeting, the applicant had submitted a revised plan to the staff that addressed eight of the issues previously identified by the Subdivision Committee. As a result of this revision, the staff is recommending approval of this request.

Planning Commission Questions – The Chair asked if the revised submittal was being presented to the Commission; and, if so, what had been addressed. Mr. Jarman said that the applicant had addressed conditions #7 through #15. The Chair asked if the Planning Commission would ordinarily be presented with a set of revised conditions when a revised plan is submitted to the staff. Mr. Jarman said that, at the Subdivision Committee meeting, the applicant had agreed to resolve the discussion item concerning the driveway encroachment; therefore, the Subdivision Committee had made a recommendation for approval, which made this request eligible for the Consent Agenda.

Mr. Penn said that his initial concern with this request, being listed on the Consent Agenda, was the number of conditions proposed. He then said that the Planning Commission has no way of knowing if a revised plan is submitted, and they should have been made aware that this request had been cleaned up before it was placed on the Consent Agenda.

Representation – There was no representation present at today's meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Beatty, seconded by Mr. Brewer, and carried 9-0 (Blanton and Roche-Phillips absent) to approve PLAN 2013-39F: BELLEDALE ADDITION, LOT 66 (FORMERLY WICKLIFFE LAND CO) (AMD), subject to the revised conditions, as presented by the staff.

3. DEVELOPMENT PLANS

- a. DP 2013-29: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (6/2/13)* - located at 1500 Russell Cave Road & 281 and 285 New Circle Road. (Council District 1) **(Vision Engineering)**

Note: The Planning Commission postponed this plan at their April 11, 2013 and April 25, 2013, meetings. The purpose of this amendment is to revise the development on Lot 1 and include Lot 2 in the development.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the proposed access to Russell Cave Road.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Kentucky Transportation Cabinet's approval of access to Russell Cave Road.
10. Clarify restaurant seating to include outdoor patio area (and any related off-street parking).
11. Correct, delete and consolidate notes #9 - #13 to the approval of the Urban Forester.
12. Discuss proposed access to Russell Cave Road.
13. Discuss Russell Cave Road cross-section right-of-way width (80' Final Record Plat).
14. Discuss internal access and connectivity.

Staff Presentation – Mr. Martin presented the final development plan for Headley, Niven & Vance Property (Lots 1, 2 & 3), located at 1500 Russell Cave Road and 281 & 285 New Circle Road. He directed the Commission's attention to the rendered plan, and briefly oriented them to the overall area. He explained that the subject property is located next to and behind the Marathon Gas Station at the corner of New Circle Road and Russell Cave Road. He said that the Marathon Station has two access points off Russell Cave Road (#1 and #2), noting

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that the gas station is not part of this request. He further explained that there is an existing restaurant along New Circle Road, Jalapenos Mexican Restaurant, that would be relocating elsewhere on the proposed development. He said that the applicant is proposing over 16,000 square feet, distributed among three buildings, as well as providing 104 parking spaces. Mr. Martin directed the Commission's attention to the proposed internal circulation, and explained the location of the entrance point for this development, adding that there is a service road that runs along New Circle Road. He said that this service road will tie into the proposed development, and will offer a connection to the gas station and the proposed development through the parking lot. He then said that the applicant is proposing to place a fast food restaurant with a drive-through (Building #1) along Russell Cave Road, as well as a new access (#3) for the restaurant use. He added that this new access would also provide a connection to the overall development.

Mr. Martin said that the issue with this proposed development is the new access point. He said that the intersection of Russell Cave Road and New Circle Road is a dangerous intersection and there are many accidents. He said that the applicant is proposing the new access for a fast food restaurant. He then said that the proposed access does line up with the shopping center directly across Russell Cave Road; but with a previous request, the staff had recommended against the additional access from Russell Cave Road, to which the Commission had agreed. He explained that there are two existing access points (#1 and #2) along Russell Cave Road; and at the time of the previous request, it was decided that a shared access would be placed between the gas station and Building #1. Mr. Martin said that after several meetings with the applicant, the Division of Planning and the Division of Traffic Engineering, it was agreed to close off the access (#2) and, in return, provide a new access (#3) on Russell Cave Road to Building 1. He then said that the new access would be further from New Circle Road, which would make it better, but it may not be safer. He added that the staff believes that by closing the existing access before the new access is constructed, it would improve the situation in this area. He noted that a building permit can not be issued for Building #1 until the access (#2) to Russell Cave Road is closed.

Mr. Martin said that the staff had received a revised submission for this plan the previous week, which addressed the concern with the proposed access to Russell Cave Road. He then said that, based upon that submittal, the staff can now offer the following revised recommendation to the Planning Commission. He added that the staff is recommending approval of this request, subject to the following revised requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Kentucky Transportation Cabinet's approval of access to Russell Cave Road.
10. Clarify restaurant seating to include outdoor patio area (and any related off-street parking).
11. Correct, delete and consolidate notes #9 - #13 to the approval of the Urban Forester.
12. Discuss proposed access to Russell Cave Road. Denote that the proposed construction access from Russell Cave Road cannot be built or utilized except with the issuance of a permit for Building 1.
13. Discuss Russell Cave Road cross-section right-of-way width (80' Final Record Plat) Label existing and proposed access points to Russell Cave Road.
14. Discuss internal access and connectivity. Denote: No building permit shall be issued for Building 1 until the existing access (#2) to Russell Cave Road is closed. The new access shall be constructed to the approval of the Division of Traffic Engineering and the Division of Engineering.

Mr. Martin directed the Commission's attention to the list of revised conditions, and briefly explained that conditions #1 through #9 are standard sign-off requirements from the different divisions of the LFUCG; and the remaining conditions are "clean-up" items.

Planning Commission Questions – Mr. Brewer said that making a left turn onto Russell Cave Road is "already a nightmare," and asked if the staff had considered a right-in and right-out only access for location #3. Mr. Martin said that the Commission can consider making the 3rd access a right-in and right-out only, but the staff would suggest allowing Traffic Engineering in on that decision to avoid any unintended consequences.

The Chair confirmed that there would be no access to Russell Cave Road until Building 1 is developed. Mr. Martin replied affirmatively. The Chair then asked what would happen if Buildings 2 and 3 were constructed. Mr. Martin said that Building 1 can not be built in conjunction with Buildings 2 and 3. He then said that, as far as traffic is concerned, the flow of traffic can not be controlled; but the staff can suggest speed humps through the development to calm the speed of traffic, as well as striping to direct the traffic flow. He added that the applicant would need the approval of Traffic Engineering for access #3 prior to this plan being certified.

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The Chair asked if there is any chance of closing accesses #1 and #2 and only providing a full access through access #3. Jeff Neal, Division of Traffic Engineering, said that the staff and the applicant had agreed not to have any more accesses than what currently exist on Russell Cave Road. He then said that, by not having additional access on Russell Cave Road, it would allow Building 1 to be developed; then the shared connection with the Marathon Station could be utilized. He added that a "no left turn" sign could be placed on access #2, but access #3 should provide a better exit for traffic; plus, access #3 aligns with the shopping center on the opposite side of Russell Cave Road. He said that a median could be added to Russell Cave Road; however, that road is controlled by the Transportation Cabinet and is beyond what the City can require. The Chair asked if a median could be added to Russell Cave Road or if access #1 should be closed. Mr. Neal said that, without more information, the staff would not recommend closing that access. He then said, that for gas station developments, one access is removed for every time the development is amended; and the staff would be hesitant to remove an access. The Chair noted that if that access were to be removed, then the traffic could still use access #3 for the gas station, as well as the entire development. Mr. Neal said that the staff does not recommend closing off the access because it would force the traffic through only one access location, which may trigger other issues on Russell Cave Road that the staff can not predict. He then said that the staff is recommending what is being shown. He then said that the access is being reduced by one, and a new access is being added at a better location.

Mr. Brewer asked if a right-in and right-out would be feasible for access #3. Mr. Neal said that a sign could not hurt; but with the number of people who would ignore it, it may not help. He then said that the sign is not enforceable since it would be located on private property. Therefore, it would be more of an advisor sign for traffic. Mr. Brewer said that anything would help this area since making a left turn on Russell Cave Road is such a nightmare. He asked if the Commission can make a change to an area that is not part of the request, such as a right-in and right-out only for both accesses (#2 and #3). Mr. Martin said that the Marathon Station is not part of this request; however, the applicant has agreed to close access #2, and, in return, they are providing access #3. Mr. Brewer said that access #1 would be impossible to close, but a right-in and right-out should be added to access #3.

Ms. Beatty said that there is not a service road between the Marathon Station and the access #3 and asked if the Marathon Station is under the same ownership as the proposed development. Mr. Neal said that they are different properties, but they are under the same ownership. Ms. Beatty said that she was concerned that the Commission was requesting something without the coordination of each property owner. She asked again if both of these properties are controlled by the same property owner, to which Mr. Neal replied affirmatively. Ms. Beatty asked if the staff believed that the property owner would be reluctant to close off too many accesses to the Marathon Station. Mr. Neal replied affirmatively. Mr. Martin said that the staff can not make changes to another property without the owner's consent; but these properties are owned by the same entity, which is why the staff was able to get the compromise. Ms. Beatty asked if the Commission can make access #3 a right-in and right-out only. Mr. Neal said that the Commission could make that a requirement on the development plan before the plan is signed.

Mr. Brewer said that the Commission members are not traffic experts and asked if it is the staff's opinion that a right-in and right-out would be feasible. Mr. Neal said that, in general, a right-in and right-out is safer; but placing a prohibited turn sign at access #3, there will be a certain amount of people who ignore that sign. He then said that unless a median is placed on Russell Cave Road, it would be impossible to prevent people making a left turn on to Russell Cave Road. He added that a sign would not hurt and it would inform the traffic that it would be better if they turned right.

The Chair asked if traffic calming devices, such as the PVC poles, could be placed down the median of Russell Cave Road. Mr. Neal said that Russell Cave Road is controlled by the State, and they could request traffic calming; but due to funding, it may be difficult.

Mr. Wilson said that a right-in and right-out turn would be better, but asked where the traffic would turn around on Russell Cave Road to go back towards New Circle Road. He then asked if this is forcing another issue down the line. Mr. Neal said that once people realized there is no left turn, they would need to plan their route a little better next time. He then said that the nearby neighborhood does have access to North Broadway, but having the traffic flow through the neighborhood would not be advisable. He then said that eventually people would take different routes to leave this development. Mr. Wilson said that after people get used to the issue, they can figure out which way to go; but at first the traffic would turn right then would travel down Russell Cave Road to figure out how to get back to New Circle Road.

Representation – Matt Carter, Vision Engineering, was present, representing the applicant. He said that they are making improvements to this area, as well improving the access points along Russell Cave Road. He then said that they are turning a bad situation into a better one, by omitting one access that is closer to New Circle Road, and pushing it back 100 feet to align with the shopping center on opposite side of Russell Cave Road. He said that one of the Commission members had asked if one of access points to the gas station could be closed. He then said that the Commission needs to take into consideration the larger fuel trucks that will be entering the Marathon Station.

Mr. Carter said that, as for making access #3 a right-in and right-out only, the property owner may not agree to that request. He then said that a right-out only would create a new issue with traffic making a U-turn on Russell Cave Road in order to get back to New Circle Road.

Mr. Carter said that they are in agreement with the staff's revised recommendations and requested approval.

Planning Commission Questions – The Chair acknowledged that the applicant is making every effort to make this area better, which is what the Commission is also trying to do. He said that there is access to New Circle Road for people to take to get back into town. He then said that he is not saying that people do not make U-turns on Russell Cave Road, but he has never seen it happen.

Mr. Berkley said that this is a tough site, and for right now moving the access does help; but to make access #3 a right-in and right-out only would not be suitable for a restaurant. He then said that the location for the proposed restaurant would make traffic go through the parking lot to get back on to New Circle Road. He added that, depending on which way a person need to go; this may force traffic to cross 3 lanes on New Circle Road to get back towards town. He explained that, by restricting this lot to a right-in and right-out only, this issue would not be favorable from a marketing standpoint.

Mr. Brewer said that he understood, but he has driven this area for over 10 years, and if traffic is trying to make a left turn from access #3, it will create a backup in the drive-through lane for a long period of time, which will cause people to "shoot out" into oncoming traffic. He then said that a left turn onto Russell Cave Road will create a serious backup or will possibly cause bad accidents.

Mr. Berkley said that limiting the access would not be suitable for a commercial use, such as a restaurant; but it may be more appropriate for a different use. He then said that this is not a good situation for this area.

The Chair agreed with Mr. Berkley, adding that as far as the traffic is concerned, he also agreed with Mr. Brewer. He asked if the applicant knows what the use will be for Building 1. Mr. Carter said that at this time the use is not known.

Mr. Cravens said that the Commission should not be designing a right-in and right-out "on the fly." He then said that if Traffic Engineering has issues with access #3, then perhaps it could be addressed when the final development plan is submitted. He added that the Commission should not "hamstring" the applicant, and according to Mr. Berkley's comment, this restriction would hinder certain users who have specific criteria when relocating to a place. This development plan is better than what is currently on the site.

Mr. Carter said that they met with KYDOT officials and Traffic Engineering on site, and it was expressed that a full entrance would be approved by the State.

The Chair said that this is an amended final development plan and the Commission would not see this request again unless there is a considerable amount of change proposed.

Ms. Plumlee commented that a right turn only would be safer for traffic.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Discussion - Ms. Beatty said that, from the testimony given, there are different opinions on access #3. She asked if a condition could be reworded to have this request go back to Traffic Engineering for their final recommendation as to what can be done to resolve this issue, and what is best for this site. She then said that, by doing this, it would allow the Commission to not make a concrete decision that would stop this request from going forward. The Chair said that Traffic Engineering is already a signoff; and, at this point, the staff would follow the Commission's direction. Mr. Neal said that that is correct; and without a median on Russell Cave Road, just placing a sign at access #3 may not meet the intent of what the Commission wants. He suggested that it may be best to leave access #3 as a full access, placing restrictions on the first access point.

Ms. Plumlee asked if a 15th condition could be added to restrict access #1 to a right turn only. Mr. Neal said that access #1 is not part of this development plan request. Mr. Carter added that the property owner is not prepared to discuss access #1 since it is not part of this development plan request.

Mr. Cravens asked if access #3 meets the required spacing from New Circle Road. Mr. Neal said that that would depend on how Russell Cave Road is classified (major or minor arterial); and access #3 is about 600 feet from New Circle Road, which is a reasonable distance.

Ms. Mundy suggested adding a 15th condition to read: "Resolve proposed access to Russell Cave Road," which would place the issue back with Traffic Engineering. The Chair noted that Traffic Engineering is already a signoff

for this request. Due to limited space, he agreed that the applicant is trying to make this area better; but through signage, a right-in and right-out only could not hurt and hopefully would make things better.

Ms. Beatty asked if there are sidewalks on Russell Cave Road. Mr. Martin replied affirmatively. The Chair indicated that internal sidewalks are being shown on the development plan.

Mr. Wilson clarified that the type of fast food restaurant is unknown. Mr. Martin replied that that is correct. Mr. Wilson said that this building could be a place for a fast food restaurant with a drive-through. He then said that he has some major concerns with this request due to the safety of the area; and if the Commission can not require a right turn only on access #3, he would not be in favor of this request.

Action - A motion was made by Mr. Wilson, seconded by Mr. Penn, and carried 6-3 (Berkley, Cravens and Mundy opposed; Blanton and Roche-Phillips absent) to approve DP 2013-29: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3, subject to the revised conditions as presented by the staff, to include a 15th condition to read: "Signage for right turn only at access #3."

- b. DP 2013-48: RICHMOND/TODD, LTD (FRENCH QUARTER SQUARE) (AMD) (7/21/13)* - located at 2601 Richmond Road. (Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to update the parking statistics and to increase the restaurant uses for Lot 1.

The Subdivision Committee Recommended: Postponement. There are concerns about the proposed parking utilization note proposed for this development plan.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection.
9. Revise purpose of amendment note.
10. Dash adjacent property lines.
11. Revise record plat designation in note #10 (H-575 for Lot 1).
12. Addition of adjacent property information.
13. Addition of contour intervals and source.
14. Dimension driveway access, drive aisles and sidewalks.
15. Addition of tree preservation information from Lot 1.
16. Correct note #7.
17. Denote location of transit stop on plan.
18. Denote dimension of building on Lot 3 (per previous development plan).
19. Remove note for "proposed building addition" off Lot 2.
20. Delete proposed parking utilization note.
21. Review by Technical Committee prior to plan certification.

Staff Presentation – Ms. Gallt presented a rendered version of the amended development plan for Richmond/Todd, LTD (French Quarter Square), located at 2601 Richmond Road. She said that the purpose of this amendment is to revise the parking statistics and to increase the allowable restaurant uses. She then said that the Subdivision Committee had recommended postponement of this request due to the concerns of a note being added, by the applicant, on the development plan regarding the parking utilization. She added that, since the Subdivision Committee meeting, the staff had received a revised submission for this plan, which addressed many of the conditions identified by the Subdivision Committee, as well as removing the parking utilization note. Based on the recent submission, the staff could now recommend approval of this request, subject to the following revised requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection.

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- ~~9. Revise purpose of amendment note.~~
- ~~10. Dash adjacent property lines.~~
- ~~11. Revise record plat designation in note #10 (H-575 for Lot 1).~~
- ~~12. Addition of adjacent property information.~~
- ~~9. 13. Addition of contour intervals and source.~~
- ~~10. 14. Dimension driveway access, drive aisles and sidewalks.~~
- ~~11. 15. Addition of Document existing tree preservation canopy information from for Lot 1 (number & type of trees).~~
- ~~16. Correct note #7.~~
- ~~17. Denote location of transit stop on plan.~~
- ~~18. Denote dimension of building on Lot 3 (per previous development plan).~~
- ~~19. Remove note for "proposed building addition" off Lot 2.~~
- ~~20. Delete proposed parking utilization note.~~
- ~~12. Clarify number of exterior restaurant seats existing and proposed.~~
- ~~13. 24. Review by Technical Committee prior to plan certification.~~

Representation – Rory Kahly, EA Partners, was present, and said that they are in agreement with the staff's recommendations and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 9-0 (Blanton and Roche-Phillips absent) to approve DP 2013-48: RICHMOND/TODD, LTD (FRENCH QUARTER SQUARE) (AMD), subject to the revised conditions as presented by the staff.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, May 2, 2013, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Mike Cravens, Lynn Roche-Phillips, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. **PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT REQUEST**

Note: The Planning Commission postponed this item at their April 25, 2013 meeting.

1. **ZOTA 2013-1 & SRA 2013-1: AMENDMENTS RELATED TO THE CAPACITY ASSURANCE PROGRAM** - amendments to the Zoning Ordinance and Land Subdivision Regulations to account for changes required by the new LFUCG Capacity Assurance Program.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Note: Text underlined indicates an addition, while ~~text dashed through~~ indicates a deletion to the current Zoning Ordinance and Land Subdivision Regulations.

ZONING ORDINANCE

5-2(h) SANITARY SEWER CAPACITY PERMIT – No development shall commence without a permit from the Division of Water Quality in conformance with the LFUCG Capacity Assurance Program documenting that adequate sanitary sewer service is available.

5-2(i) OTHER PERMITS - Additional permits may be required by the responsible Divisions to enforce the provisions of this Ordinance.

21-4 DEVELOPMENT PLAN PROCEDURES - The following shall be the procedure for Planning Commission consideration of any development plan.

21-4(a) ON-SITE MEETING - Prior to the submission of a development plan, the owner/developer shall contact the Urban Forester, who will determine if an on-site meeting with the developer's design professional and/or other pertinent Urban County Government staff is necessary.

21-4(b) FILING - To formally request Planning Commission action on the development plan, the developer shall file a completed application form (including documentation with any Final Development Plan that adequate sanitary sewer treatment capacity and service exists or has been reserved for the subject property), filing fee and copies of the plans as required by the Commission's adopted filing and fee schedules with the Division of Planning. The Division of Planning shall make copies of the plan available to all other concerned agencies.

LAND SUBDIVISION REGULATIONS

* - Denotes date by which Commission must either approve or disapprove request.

4-5 IMPROVEMENT PLAN PROCEDURE - All improvement plans shall be prepared and filed in accordance with the following procedure:

4-5(a) INFRASTRUCTURE DEVELOPMENT AGREEMENT - Prior to commencing the engineering design for the public infrastructure of any major subdivision, the project engineer, developer and the Lexington-Fayette Urban County Government, acting by and through its Urban County Engineer, shall enter into an infrastructure development agreement in a form and containing the provisions contained in the Procedures Manual. A new infrastructure development agreement shall be required in the event the developer of the property is changed to another development entity, or in the event the private agreement for infrastructure development services between the developer and the project engineer are terminated. All infrastructure development agreements shall provide that the subject development has sanitary sewer capacity in compliance with the requirements of Section 6-2 of these regulations.

6-2 ADEQUATE PUBLIC FACILITY STANDARDS - In addition to the specific design standards and requirements contained herein, the following minimum site conditions shall exist prior to Planning Commission approval of any subdivision, whether such facilities are provided by the developer, a private utility, or the Urban County Government.

6-2(a) PUBLIC SANITARY SEWERS - Shall be provided as follows:

(1) TREATMENT PLANT CAPACITY - The projected amount of sewage effluent generated by the proposed development shall not cause the allocated capacity of the treatment plant that will serve the projected development to be exceeded, nor will it cause any violation of Federal, State or local water quality laws or standards in effect at the time of development.

(2) SEWAGE COLLECTION SYSTEM - The proposed development shall be served by a sewer collection line of sufficient size and capacity to accommodate the effluent projected to be generated by the proposed development in addition to the demands placed on the system by existing development, without exceeding the design capacity of the sewer line and/or sewage pump stations.

For purposes of making this determination, "served" means that there is a sewage collection line in the public way on which the proposed development will have frontage or there is a sanitary sewage collection line otherwise available to serve ~~serving~~ the proposed development; or the developer will finance and will, at the appropriate time, execute a bond or other surety to guarantee the extension, in accordance with the 201 Master Sewer Plan and any sanitary sewer guidelines established by the Urban County Council, of a sewer line to serve the proposed development; or that construction of the sewer line is scheduled for completion within one year.

(3) DOCUMENTATION – Not later than at the time of execution of the Development Agreement, the developer shall provide written documentation from the Division of Water Quality that adequate sanitary sewer treatment plant capacity exists for the proposed development and that the proposed development is served by a sewer collection line of sufficient size and capacity as required by the LFUCG Capacity Assurance Program.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval of the changes to Art. 5-2 of the Zoning Ordinance, and to Sec. 4-5(a) & 6-2(a) of the Land Subdivision Regulations**, for the following reasons:

1. These text amendments will put the Zoning Ordinance and Land Subdivision Regulations into better alignment with the provisions of the Capacity Assurance Program – an integral part of the Consent Decree with the EPA.
2. These changes will eliminate the need for the Commission to spend their time reviewing final subdivision plans, or otherwise reapproving such plans, that have not originally qualified for sanitary sewer service or treatment capacity.

Staff Presentation - Mr. Sallee directed the Commission's attention to the staff report for ZOTA 2013-1 & SRA 2013-1, and explained that this request is a text amendment to both the Zoning Ordinance and to the Land Subdivision Regulations. He said that this text amendment was initiated by the Planning Commission, at the request of the staff, and it proposes to make two changes to the Zoning Ordinance and two changes to the Land Subdivision Regulations.

Mr. Sallee said that these changes were designed to reflect the work from the Task Force that was appointed by the Urban County Council, which concluded its work late in 2012. He then said that the work from the Task Force directly led to the Resolution that was passed by the Council to authorize the Capacity Assurance Program (CAP) - an important component of the Consent Decree between the Lexington-Fayette Urban County Government, the Kentucky Division of Water and the United States Environmental Protection Agency (EPA).

Mr. Sallee said that this text amendment would provide a linkage between a much larger Ordinance under development for the Capacity Assurance Program (CAP) and the Zoning Ordinance and Land Subdivision Regulations. He then said that over the last two months, the staff has presented the Commission information on this proposed text amendment and it has been reviewed by local stakeholder groups, as well. He added that the text amendment for the Zoning Ordinance,

as it is proposed in Article 5-2(h), would add to the section that speaks to the required permits. This change would add a permit entitled "Sanitary Sewer Capacity Permit," which would state that no development could be done locally after the Capacity Assurance Program was adopted without that type of permit.

Mr. Sallee said that the two proposed changes to the Land Subdivision Regulations are related to each other. The first change would be to Article 4-5(a), which references the required infrastructure development agreements. This is done as part of the improvement plan process when property transforms from raw land to a developed subdivision. He said that there would be a provision between the developer and the Lexington-Fayette Urban County Government that an infrastructure development agreement would be provided only if sanitary sewer capacity could be granted in accordance with the Capacity Assurance Program.

Mr. Sallee said that the second proposed change to the Land Subdivision Regulations would be to Article 6-2(a), and this change would clarify that the capacity of the sewage collection system was available to serve all appropriate developments. More importantly, it would create a new sub-section (#3) that would outline the documentation from the Division of Water Quality, who would be the oversight agency for the implementation of the Capacity Assurance Program.

Mr. Sallee said that the final change proposed would be to Article 21-4(b) of the Zoning Ordinance, and this was designed to require that capacity assurance be demonstrated before a final development plan is submitted to the Planning Commission. He directed the Commission's attention to two staff exhibits, also presented on the overhead projector, and briefly explained the process as to how this could be done prior to improvement plans under the infrastructure development agreement, which is the point when capacity assurance is to be determined. He added that the change to Article 21-4(b) of the Zoning Ordinance would also require this to be done prior to a final development plan. Mr. Sallee said that during the review of the larger Ordinance, a "catch 22" was identified with the proposed procedure. He explained that sometimes the Commission is presented with a request that is both a preliminary subdivision plan and a final development plan. In such an instance, there would have been some confusion as to which set of rules would apply. He said that the question was if the capacity assurance would be done prior to the final development plan or post Planning Commission consideration of a preliminary development plan. In reviewing this conflict, the staff believes it is best not to create that situation and go ahead and have the capacity assurance determination performed after the final development plans are reviewed by the Planning Commission. Mr. Sallee said that it is the staff's recommendation now that the proposed change to Article 21-4(b) of the Zoning Ordinance not be recommended for approval. He added, however, the other three sections are still being recommended for approval. He noted that this is a change from the staff's recommendation that was presented at the Zoning Committee meeting in April versus the Zoning Committee meeting held last week.

Mr. Sallee directed the Commission's attention to the supplemental staff report, as well as the draft Capacity Assurance Program Ordinance, and said that the larger Ordinance has been reviewed by local stakeholders; and it is expected that there will be another draft written and distributed in the next week. He added that once the draft is made available, the staff would be updating the Planning Commission at that time.

Mr. Sallee said that the staff is recommending approval of the changes to Article 5-2 of the Zoning Ordinance, and to Sections 4-5(a) and 6-2(a) of the Land Subdivision Regulations, for the following reasons:

1. These text amendments will put the Zoning Ordinance and Land Subdivision Regulations into better alignment with the provisions of the Capacity Assurance Program – an integral part of the Consent Decree with the EPA.
2. These changes will eliminate the need for the Commission to spend their time reviewing final subdivision plans, or otherwise reapproving such plans, that have not originally qualified for sanitary sewer service or treatment capacity.

Mr. Sallee concluded by saying that the Zoning Committee had recommended approval of the staff alternative text, supporting three of the four originally drafted sections.

Planning Commission Question – Mr. Cravens asked if the underlined section listed in 21-4(b) would not be included. Mr. Sallee said that it is the staff's recommendation that that change would not be adopted and that section would remain as is.

Mr. Berkley asked if the CAP would be approved with the final development plan. Mr. Sallee said that, in most situations, the applicant would already know if there is sanitary sewer capacity to a site; but it is possible that the Commission would be asked to review and approve a development plan, perhaps for financing purposes, where that determination has not been made. He said that prior to that plan being able to go forward and the project being built, that assurance would have to be made. He then said that, in operation, it would be after the Commission has approved the request and would likely be a condition of approval prior to certification of the plan, but it would not be required prior to the Commission consideration of a final development plan. Mr. Berkley commented that it would come at the same time and trying to get financing without it would be difficult. He then said that the Planning Commission does not want to put people in the position of doing the engineering and there not be sewer capacity.

Mr. Penn said that this would not be a good policy for the Planning Commission to approve a final development plan without knowing the capacity assurance. He then said that he agreed with what the staff has done; and for this to work, it needs to be worked out before the Planning Commission reviews final development plans. He indicated that he is in support of the staff's recommendation.

The Chair clarified that the staff is recommending approval, in the supplemental staff report, of ZOTA 2013-1 & SRA 2013-1. Mr. Sallee said that the staff recommendations are listed on the supplemental report, as well as on today's agenda. He then said that the staff is recommending approval of three of the four changes originally proposed.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Penn, seconded by Mr. Brewer to approve ZOTA 2013-1 & SRA 2013-1: AMENDMENTS RELATED TO THE CAPACITY ASSURANCE PROGRAM, as presented by the staff.

Discussion of motion – Mr. Cravens asked if the motion on the floor included the underlined portion as noted in Article 21-4(b). The Chair replied that the supplemental staff report removes that underlined section from the text amendment. Mr. Sallee replied affirmatively.

The motion carried 9-0 (Blanton and Roche-Phillips absent).

VI. COMMISSION ITEM – The Chair announced that any item a Commission member would like to present would be heard at this time.

A. PLANNING COMMISSION WORK SESSION – At the conclusion of today's meeting, a work session with the Long Range Planning staff, related to the ongoing update to the Comprehensive Plan, was conducted. Minutes of that work session are contained in a separate document.

B. CHAIR COMMENTS – The Chair reminded the Commission members that on May 15th there would be an APA audio conference held in the Division of Planning, as well as David Pike would be hosting a seminar at the Embassy Suites Hotel on June 8th, both of which will count toward HB55 training requirements.

VII. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present will be heard at this time.

A. UPCOMING WORK SESSION – Mr. Sallee reminded the Commission members of the upcoming work session scheduled for May 16, 2013.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 16, 2013
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 23, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 29, 2013
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 30, 2013
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 6, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	June 6, 2013
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 13, 2013

X. ADJOURNMENT - There being no further business, a motion was made to adjourn the meeting at 3:30 p.m.

Note: Following the adjournment, the Commission conducted a work session on the Comprehensive Plan.

Mike Owens, Chair

Lynn Roche-Phillips, Secretary